

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, April 06, 2020 7:21 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello Meg,

Attached is a copy of the bibliography listing the studies that were mentioned in the presentation last week.

Please, let me know if you have questions.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, April 1, 2020 1:11 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you, George:
My office looks forward to seeing the bibliography soon.

Best regards,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch

hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Wednesday, April 01, 2020 11:18 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Below is the list of Bayer personnel who participated on the Monday call.

We are compiling the list of studies/reports (Bibliography) that were discussed during the call. The target is to have it completed by end of the week.

Please, let me know if you have questions.

Name	Email	Phone Number
Dan Dyer	dan.dyer@bayer.com	636 737 4696
George Sabbagh	george.sabbagh@bayer.com	913 231 6291
Lance Schuler	lance.schuler@bayer.com	636 737 9344
Naresh Pai	naresh.pai@bayer.com	636 737 9343
Ryan Rector	ryan.rector@bayer.com	314 694 7525
Steven Callen	steven.callen@bayer.com	314 302 9391
Thomas Orr	thomas.orr@bayer.com	636 737 9347
Tilghman Hall	tilghman.hall@bayer.com	636 737 4707
Timothy Fredricks	timothy.fredricks@bayer.com	636 737 9307
Tina Bhakta	tina.bhakta@bayer.com	314 369 5897

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745

Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:21 AM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Thank you, George:

I was able to successfully open the attached slide deck and have forwarded both the slides and Skype invitation to the relevant EPA participants for our 10am call today.

Talk to you soon,
Meg

Margaret Hathaway (Meg)
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From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
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From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello George:
I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
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hathaway.margaret@epa.gov
(703) 305-5076

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Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

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To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

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Please keep me posted as your team develops any presentation materials that should be shared with the group.

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(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291

E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

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Crop Science, a Division of Bayer
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Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:
Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

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801 Pennsylvania Avenue, NW

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The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

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The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 4/9/2020 6:23:20 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: May 1st Reminder Letter to Dicamba Registrants

Dan:

In case you can't open the attachment, here's the revised text of the letter:

April 9, 2020

Thomas Marvin
Bayer Crop Science
801 Pennsylvania Ave, NW
Suite 745
Washington, DC, 20004

Subject: Timing of Data Submissions in Support of the Dicamba Product Xtendimax

Dear Mr. Marvin:

As you are aware, the registration for the dicamba product Xtendimax (EPA Registration No. 524-617) will expire on December 20, 2020, unless EPA determines that the registration continues to meet the standards for registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

In anticipation of this upcoming decision, the Agency requests that Bayer submit any and all relevant data that EPA has yet to receive relating to EPA Registration No. 524-617 by the date of May 1, 2020, unless the Agency has already specified a different due date for any particular data. Please note that this May 1, 2020 deadline is not intended to supersede the deadlines previously communicated to your company regarding requirements for the submission of 6(a)(2) data or data required as part of the terms and conditions of registration for EPA Registration No. 524-617. Adhering to this timeline is expected to provide the Agency with sufficient time to review said submissions as part of EPA's work towards a 2020 decision regarding registrations of products containing dicamba for post-emergent uses on crops genetically engineered to be resistant to dicamba. EPA may not be able to adequately review information submitted after May 1, 2020 in time to rely on such information before the December 20, 2020 deadline. The Agency thanks you in advance for your support in supplying data to our office early enough to allow EPA to fully consider the information available before making its regulatory decision later this year.

If you have any questions, please contact Dan Kenny by phone at 703-305-7546, or via email at kenny.dan@epa.gov.

Sincerely,

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)
EPA Office of Pesticide Programs
Mail Code 7505P

From: Hathaway, Margaret
Sent: Thursday, April 09, 2020 2:20 PM
To: Goodis, Michael <goodis.michael@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: May 1st Reminder Letter to Dicamba Registrants

Hello Mike:

Here is a revised draft letter for your consideration intended to communicate our May 1st data submission deadline to the dicamba OTT registrants. Bayer is addressed in this example.

The draft has been circulated to the team and includes feedback from BEAD and OGC.

Thank you,

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 3/31/2020 10:36:08 PM
To: Britton, Cathryn [britton.cathryn@epa.gov]
Subject: FW: Interesting dicamba article
Attachments: monsanto-dicamba_Guardian_article_March_2020.pdf; dicamba-Exhibit PLTF-6.pdf

FYI re. dicamba for PRD's awareness.

- Meg

From: Hathaway, Margaret
Sent: Tuesday, March 31, 2020 6:34 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Interesting dicamba article

Hello All:

FYI, BEAD brought to my attention a recent Guardian article that relates to the letters we sent last Friday to the dicamba registrants regarding our concerns about an incomplete data record from their companies. The article states that the documents it cites are from the court-ordered discovery during the Bader Farms case.

For example, the article cites internal correspondence from Monsanto stating the following:

"You are all aware of the things that the EPA has been hearing from academics at the state level ... With this having such an impact at the federal level our leadership has decided to pull back some of this academic testing with Xtend and Xtendimax formulations to ensure that these formulations keep a 'clean' slate." [Extract: in February 2015, Tina Bhakta, Monsanto's global chemistry expansion lead, wrote to colleagues]

It sounds to me that any such discovery documents would fall squarely within our letters' calls for "any information, including, but not limited to deposition transcripts, responses to interrogatories, expert reports, other discovery documents (including internal company correspondence), and trial exhibits or transcripts, that was generated as a result of or in anticipation of lawsuits filed in any country, indicating that use of or contact with dicamba, directly or indirectly, resulted or may have resulted in adverse effects to non-target plants."

Kelly has compiled links to some of the other files cited in the article. See her email below for more details.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Tindall, Kelly <tindall.kelly@epa.gov>
Sent: Tuesday, March 31, 2020 2:50 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>

Subject: Interesting dicamba article

Hey Meg,

I am not sure if you have seen this or not (<https://www.theguardian.com/us-news/2020/mar/30/monsanto-crop-system-damage-us-farms-documents>)? It was forward to me and it has some interesting tidbits in there on what we might expect to see as a result of the letter we recently drafted. Check out the quotes in the grey boxes. Also the hyperlink “report prepared for Monsanto in 2009” is something that I think we should expect to see – as it is an exhibit from the case (attached). In the notes of their meeting, on pg 15 of 20, they offered these options (and others) as possible ways to address off-site movement in regards to dicamba-susceptible growers:

- “Enforce use of least-risky formulations vs the use of generic herbicides”
- Spray zones
- Spray timings
- An indemnity fund for crop loss

And, as a note, I have made PDFs of the article for the above link and all the links embedded in the document if you are interested, I can share.

Kelly

Kelly Tindall, Senior Biologist
Biological Analysis Branch
Biological and Economic Analysis Division
Office of Pesticide Programs
US Environmental Protection Agency
703-308-8188

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DRAFT/INTERNAL/DELIBERATIVE ONLY, NOT TO BE SHARED UNLESS SPECIFICALLY AND EXPLICITLY STATED**

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 3/31/2020 3:08:40 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

Thanks Dan. Dicamba is definitely a chemical of widespread interest.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, March 31, 2020 11:00 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Just FYI, regarding dicamba. See below....

From: Kenny, Daniel
Sent: Tuesday, March 31, 2020 10:59 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

So I'm assuming they'd like to be invited to everything then, which is fine. I'll spread the word.

Dan

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, March 31, 2020 10:23 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Dan

Try to keep BEAD in mind – see below.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Tuesday, March 31, 2020 9:37 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Hey Mike,

Can you try to make sure Monisha gets invited to these types of meetings? Even if the topic isn't specifically related to the BEAD work, which seems to be the case below, it's still helpful for the team to know what's going on. We can send a staff person if we don't think it warrants BC time.

Thank you,
Kimberly

Kimberly Nesci, Acting Director
Biological and Economic Analysis Division (BEAD)
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-308-8059

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Tuesday, March 31, 2020 8:48 AM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Here is the presentation on the additive.

From: Matuszko, Jan
Sent: Monday, March 30, 2020 9:54 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:
Here are the slides for our dicamba teleconference with Bayer, coming up at 10am.

Margaret Hathaway (Meg)
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Science For A Better Life

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Cc: BCSReg_Archive <esepamailbox@bayer.com>

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OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 3/30/2020 1:44:46 PM
To: Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]
Subject: FW: Change of 10am Skype Invite: EPA (EFED-RD) & Bayer Dicamba Teleconference re. Adjuvant Test Data

From: Hathaway, Margaret
Sent: Monday, March 30, 2020 9:15 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: Change of 10am Skype Invite: EPA (EFED-RD) & Bayer Dicamba Teleconference re. Adjuvant Test Data

Good morning everyone:

I've arranged to have Bayer set up today's 10am Skype meeting on dicamba in order for them to be able to run their own slidedeck.

Therefore I have forwarded an invitation for Bayer's Skype meeting to you all and will be cancelling the Skype meeting that I created for the same time.

In short, THE MEETING IS STILL HAPPENING. You just need to access it from Bayer's Skype invitation.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

-----Original Appointment-----

From: Hathaway, Margaret
Sent: Monday, March 23, 2020 2:28 PM
To: Hathaway, Margaret; Kenny, Daniel; Rosenblatt, Daniel; Corbin, Mark; Meadows, Sarah; Schmid, Emily; Farruggia, Frank; Peck, Charles; Wait, Monica
Cc: Matuszko, Jan
Subject: EPA (EFED-RD) & Bayer Dicamba Teleconference re. Adjuvant Test Data
When: Monday, March 30, 2020 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomPYS7100/Potomac-Yard-One

Hello All:

Bayer has requested a meeting with the Agency to share dicamba data from testing the adjuvant VaporGrip X with the Product XtendiMax.

The registrants claim that: "Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans."

Additional details to follow as available.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Appointment

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 3/30/2020 1:16:10 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Wait, Monica [Wait.Monica@epa.gov]
CC: Matuszko, Jan [Matuszko.Jan@epa.gov]
BCC: DCRoomPYS7100/Potomac-Yard-One [DCRoomPYS7100@epa.gov]
Subject: Canceled: EPA (EFED-RD) & Bayer Dicamba Teleconference re. Adjuvant Test Data
Location: DCRoomPYS7100/Potomac-Yard-One

Start: 3/30/2020 2:00:00 PM
End: 3/30/2020 3:00:00 PM
Show Time As: Free

Importance: High

Please use the Skype meeting invitation from Bayer instead of this one, which I am now removing from Outlook.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Hello All:

Bayer has requested a meeting with the Agency to share dicamba data from testing the adjuvant VaporGrip X with the Product XtendiMax.

The registrants claim that: “Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.”

Additional details to follow as available.

Thank you,
Meg

Margaret Hathaway (Meg)
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hathaway.margaret@epa.gov
(703) 305-5076

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 3/27/2020 8:12:25 PM
To: George Sabbagh [george.sabbagh@bayer.com]
CC: BCSReg_Archive [esepamailbox@bayer.com]
Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
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Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
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From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 3/25/2020 7:35:16 PM
To: Ondish, Mindy [ondish.mindy@epa.gov]
Subject: RE: FYI ONLY: FW: Tank Mix Question for you, Dan: Adjuvant Equivalence - FW: Engenia Exact Equivalency Request

Thanks Mindy!

From: Ondish, Mindy <ondish.mindy@epa.gov>
Sent: Wednesday, March 25, 2020 2:11 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: FYI ONLY: FW: Tank Mix Question for you, Dan: Adjuvant Equivalence - FW: Engenia Exact Equivalency Request

Thanks for keeping me in the loop. I don't think I have had this question come up for adjuvants, or if so, it would be in the tank mix group inbox and we haven't formally responded to yet. I agree with you that it will likely have to rely on a self-certification process to an adjuvant we have already approved for tank mixing.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 20, 2020 10:42 AM
To: Ondish, Mindy <ondish.mindy@epa.gov>
Subject: FYI ONLY: FW: Tank Mix Question for you, Dan: Adjuvant Equivalence - FW: Engenia Exact Equivalency Request

Hi Mindy:

As an FYI, I was in some conversations this morning about how to handle tank mix request situations where companies claim that adjuvants are equivalent, which is interesting because EPA doesn't register adjuvants. The thread below is specific to a dicamba request, but I thought I'd forward in case a similar question has ever come up for one of your chemicals.

- Meg

From: Hathaway, Margaret
Sent: Friday, March 20, 2020 10:38 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Gerber, Theresa <Gerber.Theresa@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Tank Mix Question for you, Dan: Adjuvant Equivalence - FW: Engenia Exact Equivalency Request

Hi Dan:

This morning Theresa and I discussed another category of tank mixture request that we haven't yet brought to your attention. In the past Theresa has handled requests to:

1. mix in a registered pesticide, accompanied by a request package with supporting test data
2. mix in a registered pesticide claimed to be equivalent to a pesticide product we've already approved for tank mixing
3. mix in an adjuvant, accompanied by a request package with supporting test data

Now we are wondering how to handle a fourth situation: adjuvant companies claiming equivalency for adjuvants, and requesting to tank mix those "equivalent" adjuvant products with registered pesticides.

Because unlike pesticides, adjuvant products aren't registered with EPA, I'm unaware of any direct way we have of verifying that adjuvant products are actually equivalent to each other. This being the case, what documentation do we want to require before approving such requests?

As an example, one registrant submitted the attached equivalency claim letter. This sounds to me like a situation where self-certification of equivalency by the company is what we need to rely on. But is the attached letter sufficient as an example of this? I'm curious for on your perspective on this. Let me know if I should set up a call about this.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

P.S. For reference, I've also attached the Xtendimax version of the registration that established this tank mix review requirement. (Note that the example registrant email is an Engenia request, however). I've copied two key sections here:

“8. You must maintain a website at <http://Xtendimaxapplicationrequirements.com>. That website will include a list of products that have been tested pursuant to Appendix A and found, based upon such testing, not to adversely affect the spray drift properties of Xtendimax with VaporGrip Technology. The website will identify a testing protocol, consistent with Appendix A, that is appropriate for determining whether the tested product will adversely affect the drift properties of Xtendimax with VaporGrip Technology. The website must state that any person seeking to have a product added to the list must perform a study either pursuant to the testing protocol identified on the website or another protocol that has been approved for the particular purpose by EPA, and must submit the test data and results, along with a certification that the studies were performed either pursuant to the testing protocols identified on the website or pursuant to another protocol(s) approved by EPA and that the results of the testing support adding the product to the list of products tested and found not to adversely affect the spray drift properties of Xtendimax with VaporGrip Technology, to EPA. EPA will notify you when the Agency determines that a product has been certified to be appropriately added to the list, and you will add appropriately certified products to the list no more than 90 days after you receive such notice from EPA. Testing of Tank-Mix Products must be conducted in compliance with procedures as stated forth in Appendix A.

9. All test data relating to the impact of tank-mixing any product with Xtendimax with VaporGrip Technology on drift properties of Xtendimax with VaporGrip Technology generated by you or somebody working for you must be submitted to EPA, along with a certification indicating whether the study was performed either pursuant to the testing protocols identified on the website or pursuant to other protocols approved by EPA and whether the results of the testing support adding the product to the list of products tested and found not to adversely affect the spray drift properties of Xtendimax with VaporGrip Technology, to the EPA's Office of Pesticide Programs.”

From: Gerber, Theresa <Gerber.Theresa@epa.gov>
Sent: Friday, March 20, 2020 8:41 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Engenia Exact Equivalency Request

Hi Meg,

This was in the queue but I hadn't approved it yet because it was an "equivalent" product – no wind tunnel study or self-certification letter was included. He provided a letter stating these products are equivalent to other approved products

(see attached). Can you look at the letter and let me know if we need more information confirming the products are identical in composition? I am happy to correspond with the registrant or send the approval to BASF, but I'm still a little unsure if that letter is acceptable.

Thanks,
Theresa

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, March 19, 2020 5:26 PM
To: Gerber, Theresa <Gerber.Theresa@epa.gov>
Subject: FW: Engneia Exact Equivalency Request

Hi Theresa:

Could you please let me know the status of the action about which Mr. Martin is inquiring? I'm assuming it's still in the queue, but would appreciate confirmation from you before telling him so.

Thanks,
Meg

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, March 18, 2020 2:45 PM
To: James Martin <James@novitasolutionsllc.com>
Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Engneia Exact Equivalency Request

Hi James,

I haven't been part of the processing of these requests in a while. I have copied our senior regulatory specialist, Meg Hathaway, who has taken the lead on them. Hopefully she can give you an update.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>
Sent: Wednesday, March 18, 2020 2:41 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>
Subject: Re: Engneia Exact Equivalency Request

Good morning Emily,

Do we have any updates on this yet?

Thanks,

James

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Saturday, November 16, 2019 2:04 PM
To: James Martin
Cc: Brandi Marchetti
Subject: RE: Engneia Exact Equivalency Request

Hi James,

Unfortunately, the processing of these requests has been very slow and is quite backed up so I do not have any updates. However, we had a new senior regulatory specialist start last week and she is taking on revising our process so things move smoothly and more efficiently. Sorry for the bad news but I appreciate your patience and I believe there will be progress soon.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>
Sent: Monday, November 11, 2019 11:43 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>
Subject: Re: Engneia Exact Equivalency Request

Good morning Emily,

Do we have any updates on this yet? Really hoping to have this for early orders starting to come in right now.

Thanks,

James

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 2, 2019 1:31 PM
To: James Martin
Cc: Brandi Marchetti
Subject: RE: Engneia Exact Equivalency Request

Hi James,

I'm sorry, unfortunately the person working on this has a backlog and has not gotten to it yet.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>
Sent: Tuesday, September 17, 2019 12:36 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>
Subject: Re: Engneia Exact Equivalency Request

Are there any available updates for this request? Is there anything I can do to get this moving through the system?

Thanks,

James Martin

214-684-6014

From: James Martin
Sent: Tuesday, July 30, 2019 7:16 AM
To: Schmid, Emily
Subject: Re: Engneia Exact Equivalency Request

Thank you. Have a great day!

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, July 30, 2019 7:14 AM
To: James Martin
Subject: RE: Engneia Exact Equivalency Request

Hi James,

No, it has been sent to the person processing these requests so they will reach out to you when they get to it.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>
Sent: Tuesday, July 30, 2019 7:55 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Re: Engneia Exact Equivalency Request

Thank you Emily. Is there anything I need to do at this point?

Thanks,

James Martin

214-684-6014

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Thursday, July 25, 2019 6:23 PM

To: James Martin; Chad Donald Asmus

Cc: Brandi Marchetti; opptankmixrequests

Subject: RE: Engneia Exact Equivalency Request

Hi James,

These requests are all going through an email address set up specifically to keep them organized, opptankmixrequests@epa.gov (copied). We have someone working through them as they come in.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>

Sent: Thursday, July 25, 2019 4:28 PM

To: Schmid, Emily <Schmid.Emily@epa.gov>; Chad Donald Asmus <chad.asmus@basf.com>

Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>

Subject: Re: Engneia Exact Equivalency Request

Good afternoon Emily,

Just checking in with you to find out if there is anything else you need to complete this request. Hope you are doing well. Also, can you let me know if you are the right person for this request please, have not heard back and Chad from BASF said it usually was a 1-3 month process originally and we have not heard anything since the original request on 3/15.

Thank you,

James Martin

214-684-6014

From: James Martin
Sent: Thursday, May 30, 2019 10:08 AM
To: schmid.emily@epa.gov; Chad Donald Asmus
Cc: Brandi Marchetti
Subject: Re: Engneia Exact Equivalency Request

Emily,

Can you let me know if there is anything else that we need to do to get this completed please?

Thanks,

From: James Martin
Sent: Wednesday, May 1, 2019 12:08 PM
To: schmid.emily@epa.gov
Subject: Re: Engneia Exact Equivalency Request

Hope you are doing well. Just checking in as to where we are with the below request.

Thanks,

James Martin

214.684.6014

From: James Martin
Sent: Friday, March 15, 2019 2:47 PM
To: schmid.emily@epa.gov
Subject: Engneia Exact Equivalency Request

Emily,

My name is James Martin with Novita Solutions, LLC and I am requesting some exact equivalency products to be listed as approved for use in BASF's Engenia product. We are packaging for Farmer's Business Network, below are the exact equivalent products to the currently listed Novita products.

Novita Product Name

MSO XTRA (Novita)

Novita COC

Novita MSO

Novita AMS Free

FBN Product Name

FBN HighSurf MSO

FBN Crop Oil Concentrate

FBN Purebend MSO

Quadraxx

I listed the Novita products exactly as they are listed on the <http://agro.basf.us/campaigns/engenia/tankmixselector/> website. I am requesting these to be posted in the same manner as the Novita products on the Engenia tank-mix website. The formulations will not change so long as they are named as such.

I have also provided this request on letterhead and signed the letter. It is attached. Please let me know if there is anything else that I need to provide.

Thanks,

James Martin, COO

214-684-6014

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 3/24/2020 12:08:36 PM
To: George Sabbagh [george.sabbagh@bayer.com]
CC: BCSReg_Archive [esepamailbox@bayer.com]
Subject: RE: Seeking your Input.

That sounds good, George. Thank you.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Tel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Tel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Tel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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801 Pennsylvania Avenue, NW
Suite 745
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Cel: +1 913 231 6291
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The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
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To: George Sabbagh [george.sabbagh@bayer.com]
CC: BCSReg_Archive [esepamailbox@bayer.com]; BCSReg_Archive [esepamailbox@bayer.com]; Kenny, Daniel [Kenny.Dan@epa.gov]
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Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
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(703) 305-5076

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Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

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Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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Suite 745
Washington, DC 20004
Cel: +1 913 231 6291

E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Tel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

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Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.

Director Registrations



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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 3/20/2020 2:41:52 PM
To: Ondish, Mindy [ondish.mindy@epa.gov]
Subject: FYI ONLY: FW: Tank Mix Question for you, Dan: Adjuvant Equivalence - FW: Engenia Exact Equivalency Request
Attachments: Novita_FBN Equivalency Request.pdf; 000524-00617-20181101.pdf

Hi Mindy:

As an FYI, I was in some conversations this morning about how to handle tank mix request situations where companies claim that adjuvants are equivalent, which is interesting because EPA doesn't register adjuvants. The thread below is specific to a dicamba request, but I thought I'd forward in case a similar question has ever come up for one of your chemicals.

- Meg

From: Hathaway, Margaret
Sent: Friday, March 20, 2020 10:38 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Gerber, Theresa <Gerber.Theresa@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Tank Mix Question for you, Dan: Adjuvant Equivalence - FW: Engenia Exact Equivalency Request

Hi Dan:

This morning Theresa and I discussed another category of tank mixture request that we haven't yet brought to your attention. In the past Theresa has handled requests to:

1. mix in a registered pesticide, accompanied by a request package with supporting test data
2. mix in a registered pesticide claimed to be equivalent to a pesticide product we've already approved for tank mixing
3. mix in an adjuvant, accompanied by a request package with supporting test data

Now we are wondering how to handle a fourth situation: adjuvant companies claiming equivalency for adjuvants, and requesting to tank mix those "equivalent" adjuvant products with registered pesticides.

Because unlike pesticides, adjuvant products aren't registered with EPA, I'm unaware of any direct way we have of verifying that adjuvant products are actually equivalent to each other. This being the case, what documentation do we want to require before approving such requests?

As an example, one registrant submitted the attached equivalency claim letter. This sounds to me like a situation where self-certification of equivalency by the company is what we need to rely on. But is the attached letter sufficient as an example of this? I'm curious for on your perspective on this. Let me know if I should set up a call about this.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

P.S. For reference, I've also attached the Xtendimax version of the registration that established this tank mix review requirement. (Note that the example registrant email is an Engenia request, however). I've copied two key sections here:

“8. You must maintain a website at <http://Xtendimaxapplicationrequirements.com>. That website will include a list of products that have been tested pursuant to Appendix A and found, based upon such testing, not to adversely affect the spray drift properties of Xtendimax with VaporGrip Technology. The website will identify a testing protocol, consistent with Appendix A, that is appropriate for determining whether the tested product will adversely affect the drift properties of Xtendimax with VaporGrip Technology. The website must state that any person seeking to have a product added to the list must perform a study either pursuant to the testing protocol identified on the website or another protocol that has been approved for the particular purpose by EPA, and must submit the test data and results, along with a certification that the studies were performed either pursuant to the testing protocols identified on the website or pursuant to another protocol(s) approved by EPA and that the results of the testing support adding the product to the list of products tested and found not to adversely affect the spray drift properties of Xtendimax with VaporGrip Technology, to EPA. EPA will notify you when the Agency determines that a product has been certified to be appropriately added to the list, and you will add appropriately certified products to the list no more than 90 days after you receive such notice from EPA.

Testing of Tank-Mix Products must be conducted in compliance with procedures as stated forth in Appendix A.

9. All test data relating to the impact of tank-mixing any product with Xtendimax with VaporGrip Technology on drift properties of Xtendimax with VaporGrip Technology generated by you or somebody working for you must be submitted to EPA, along with a certification indicating whether the study was performed either pursuant to the testing protocols identified on the website or pursuant to other protocols approved by EPA and whether the results of the testing support adding the product to the list of products tested and found not to adversely affect the spray drift properties of Xtendimax with VaporGrip Technology, to the EPA's Office of Pesticide Programs.”

From: Gerber, Theresa <Gerber.Theresa@epa.gov>

Sent: Friday, March 20, 2020 8:41 AM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Engneia Exact Equivalency Request

Hi Meg,

This was in the queue but I hadn't approved it yet because it was an "equivalent" product – no wind tunnel study or self-certification letter was included. He provided a letter stating these products are equivalent to other approved products (see attached). Can you look at the letter and let me know if we need more information confirming the products are identical in composition? I am happy to correspond with the registrant or send the approval to BASF, but I'm still a little unsure if that letter is acceptable.

Thanks,
Theresa

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Thursday, March 19, 2020 5:26 PM

To: Gerber, Theresa <Gerber.Theresa@epa.gov>

Subject: FW: Engneia Exact Equivalency Request

Hi Theresa:

Could you please let me know the status of the action about which Mr. Martin is inquiring? I'm assuming it's still in the queue, but would appreciate confirmation from you before telling him so.

Thanks,
Meg

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, March 18, 2020 2:45 PM
To: James Martin <James@novitasolutionsllc.com>
Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Engneia Exact Equivalency Request

Hi James,

I haven't been part of the processing of these requests in a while. I have copied our senior regulatory specialist, Meg Hathaway, who has taken the lead on them. Hopefully she can give you an update.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>
Sent: Wednesday, March 18, 2020 2:41 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>
Subject: Re: Engneia Exact Equivalency Request

Good morning Emily,

Do we have any updates on this yet?

Thanks,

James

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Saturday, November 16, 2019 2:04 PM
To: James Martin
Cc: Brandi Marchetti
Subject: RE: Engneia Exact Equivalency Request

Hi James,

Unfortunately, the processing of these requests has been very slow and is quite backed up so I do not have any updates. However, we had a new senior regulatory specialist start last week and she is taking on revising our process so things move smoothly and more efficiently. Sorry for the bad news but I appreciate your patience and I believe there will be progress soon.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>
Sent: Monday, November 11, 2019 11:43 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>
Subject: Re: Engneia Exact Equivalency Request

Good morning Emily,

Do we have any updates on this yet? Really hoping to have this for early orders starting to come in right now.

Thanks,

James

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 2, 2019 1:31 PM
To: James Martin
Cc: Brandi Marchetti
Subject: RE: Engneia Exact Equivalency Request

Hi James,

I'm sorry, unfortunately the person working on this has a backlog and has not gotten to it yet.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>
Sent: Tuesday, September 17, 2019 12:36 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>
Subject: Re: Engneia Exact Equivalency Request

Are there any available updates for this request? Is there anything I can do to get this moving through the system?

Thanks,

James Martin

214-684-6014

From: James Martin
Sent: Tuesday, July 30, 2019 7:16 AM
To: Schmid, Emily
Subject: Re: Engneia Exact Equivalency Request

Thank you. Have a great day!

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, July 30, 2019 7:14 AM
To: James Martin
Subject: RE: Engneia Exact Equivalency Request

Hi James,

No, it has been sent to the person processing these requests so they will reach out to you when they get to it.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>
Sent: Tuesday, July 30, 2019 7:55 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Re: Engneia Exact Equivalency Request

Thank you Emily. Is there anything I need to do at this point?

Thanks,

James Martin

214-684-6014

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, July 25, 2019 6:23 PM
To: James Martin; Chad Donald Asmus
Cc: Brandi Marchetti; opptankmixrequests
Subject: RE: Engneia Exact Equivalency Request

Hi James,

These requests are all going through an email address set up specifically to keep them organized, opptankmixrequests@epa.gov (copied). We have someone working through them as they come in.

Best regards,
Emily

From: James Martin <James@novitasolutionsllc.com>
Sent: Thursday, July 25, 2019 4:28 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Chad Donald Asmus <chad.asmus@basf.com>
Cc: Brandi Marchetti <bmarchetti@farmersbusinessnetwork.com>
Subject: Re: Engneia Exact Equivalency Request

Good afternoon Emily,

Just checking in with you to find out if there is anything else you need to complete this request. Hope you are doing well. Also, can you let me know if you are the right person for this request please, have not heard back and Chad from BASF said it usually was a 1-3 month process originally and we have not heard anything since the original request on 3/15.

Thank you,

James Martin

214-684-6014

From: James Martin
Sent: Thursday, May 30, 2019 10:08 AM
To: schmid.emily@epa.gov; Chad Donald Asmus
Cc: Brandi Marchetti
Subject: Re: Engneia Exact Equivalency Request

Emily,

Can you let me know if there is anything else that we need to do to get this completed please?

Thanks,

From: James Martin
Sent: Wednesday, May 1, 2019 12:08 PM
To: schmid.emily@epa.gov
Subject: Re: Engneia Exact Equivalency Request

Hope you are doing well. Just checking in as to where we are with the below request.

Thanks,

James Martin

214.684.6014

From: James Martin
Sent: Friday, March 15, 2019 2:47 PM
To: schmid.emily@epa.gov
Subject: Engneia Exact Equivalency Request

Emily,

My name is James Martin with Novita Solutions, LLC and I am requesting some exact equivalency products to be listed as approved for use in BASF's Engenia product. We are packaging for Farmer's Business Network, below are the exact equivalent products to the currently listed Novita products.

<u>Novita Product Name</u>	<u>FBN Product Name</u>
MSO XTRA (Novita)	FBN HighSurf MSO
Novita COC	FBN Crop Oil Concentrate
Novita MSO	FBN Purebend MSO
Novita AMS Free	Quadraxx

I listed the Novita products exactly as they are listed on the <http://agro.basf.us/campaigns/engenia/tankmixselector/> website. I am requesting these to be posted in the same manner as the Novita products on the Engenia tank-mix website. The formulations will not change so long as they are named as such.

I have also provided this request on letterhead and signed the letter. It is attached. Please let me know if there is anything else that I need to provide.

Thanks,

James Martin, COO
214-684-6014

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/22/2020 7:24:01 PM
To: Piper, Maya [Piper.Maya@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]
Subject: FW: labels for secondary review
Attachments: 100-01623.20200812C.A21472_PLUS_VAPORGRIP_TECHNOLOGY.AMEND.AUG2020 LC.pdf; 007969-00UTE.20201020.NVA 2020-04-385-0133 LC.pdf; MASTER LABEL_XtendiMax_264-RERN_20201020 LC.pdf

FYI

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Thursday, October 22, 2020 12:19 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: labels for secondary review

Here are the labels for Xtendimax, Engenia, and Tavium. Since everyone is busy working on the decision document and registration notices, please get your comments to me by **noon tomorrow** so I can condense and send them to the registrants. Let me know if you have any questions or concerns.

There is one note in the comments to the RD team: On the Xtendimax label I would like feedback if anyone has a better

Ex. 5 Deliberative Process (DP)

Between Crop Applications. These uses are covered by the preplant instructions for DT cotton and soybean. Having them as separate instructions as well is misleading. Suggested edit was to delete this section. (p. 11)

These uses are not covered by the preplant instructions for DT cotton and soybean. This "Between Crop Applications" use:

- (1) Offers growers post-harvest weed control opportunity to have a low-volatility dicamba with greatly improved application requirements to mitigate OTM and protection of endangered species/areas (vs the myriad other dicambas with this label provision).
- (2) Fall or post-harvest applications tank-mixed with other herbicides can be a very effective tool to manage escaped or newly emerged weeds after harvest equipment, fall tillage, or other production practice has occurred before hard freeze to manage spring weed populations.
- (3) Allowing additional post-harvest uses also allows retailers and growers to use left-over stock of this low-volatility product in this manner vs other dicambas.

Best,

Lydia Crawford PhD
Biologist | Herbicide Branch | Registration Division
U.S. Environmental Protection Agency | Office of Pesticide Programs
(703) 347-0622 | Crawford.Lydia@epa.gov

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 3/5/2020 9:10:29 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Bayer-sponsored dicamba research

Thanks Sarah. I have an educated guess that Bayer is referring to the research by Dr. Karla Gage that I mentioned to EFED. Let me check with Frank F. about the status of rescheduling a call with her.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Thursday, March 05, 2020 4:00 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Bayer-sponsored dicamba research

FYI

From: Thomas Orr <thomas.orr@bayer.com>
Sent: Wednesday, March 04, 2020 6:29 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: Bayer-sponsored dicamba research

Hi Sarah. I understand that Bayer sponsored research conducted by Southern Illinois University-Carbondale to investigate potential effects of dicamba exposure to non-crop species. I don't have data back from the researchers but I understand that they are providing a summary of the work done to date, including testing methods, to Bayer.

This research was not included in the recently-submitted white paper since no results were available at the time (and are not currently available). The dicamba product tested was not XtendiMax and I'm not aware of any analysis of potential off-target movement but I did want to make EPA aware of this research. If/when we get results back, we will provide a summary to EPA.

Please let me know if you have any questions regarding this research.

Best regards,

Tom Orr
Broad Acre & Trait Use Lead
Crop Protection Regulatory Affairs

//////////

Bayer Crop Science

Monsanto Company
Regulatory Science
Building FF
Chesterfield, 63017, USA
Tel: +1 636-737-9347
Cell: +1 314-648-9653
E-mail: thomas.orr@bayer.com
Web: <http://www.bayer.com>

/// Follow Bayer on:

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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/20/2020 9:12:04 PM
To: George Sabbagh [george.sabbagh@bayer.com]; Schmid, Emily [Schmid.Emily@epa.gov]
CC: Crawford, Lydia [Crawford.Lydia@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; BCSReg_Archive [esepamailbox@bayer.com]; BCSReg_Archive [esepamailbox@bayer.com]
Subject: RE: Xtendimax label comments

Acknowledged. Thank you, George.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, October 20, 2020 3:36 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Xtendimax label comments

<http://Xtendimaxapplicationrequirements.com> will be the site. It will remain the same.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements



Regulatory Engagement
Collaborating Across Organizations

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Bayer US LLC
801 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, October 20, 2020 8:48 AM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel

<Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Xtendimax label comments

Thanks George.

Will the website on the label remain the same (<http://Xtendimaxapplicationrequirements.com>) or will it be updated to the links in the attached PDF?

From: George Sabbagh <george.sabbagh@bayer.com>

Sent: Tuesday, October 20, 2020 7:57 AM

To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Xtendimax label comments

Hi Meg,

We are providing for informational purposes a copy of the prior label-linked website that was developed for the 2018 registration and that we will update the website before relaunch to reflect the label requirements and terms and conditions of the 2020 registration.

Please, reach out if you have questions or need additional information.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.

Head Regulatory Engagements



Regulatory Engagement
Collaborating Across Organizations

////////////////////

Bayer US LLC

801 Pennsylvania Avenue, NW

Suite 900

Washington, DC 20004

Cel: +1 913 231 6291

E-mail: george.sabbagh@bayer.com

Web: <http://www.bayercropscience.com>

From: George Sabbagh

Sent: Monday, October 19, 2020 10:00 AM

To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Xtendimax label comments

Hi Emily,

Xtendimaxapplicationrequirements.com site was set to redirecting traffic for now since the registration expired. The plan is to reactivate it once we have the new registration and have the final content.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements



Regulatory Engagement
Collaborating Across Organizations

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801 Pennsylvania Avenue, NW
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Washington, DC 20004
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E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 8:28 AM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: Xtendimax label comments

Hi George,

I forgot to note it in the label comments, but could you update the tank mixing website? The website on the label, Xtendimaxapplicationrequirements.com, appears to not be active anymore but forwards to roundupreadyxtend.com. Will roundupreadyxtend.com replace the old one?

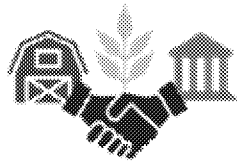
Thanks,
Emily

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Friday, October 16, 2020 6:43 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Xtendimax label comments

Understood.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements



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Collaborating Across Organizations

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801 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
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From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Friday, October 16, 2020 4:54 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: Xtendimax label comments

Sorry for the repeat email, but I did want to note that our general counsel are still reviewing the labels and we anticipate additional comments on subsequent rounds.

Best,
Lydia

From: Crawford, Lydia
Sent: Friday, October 16, 2020 4:47 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: Xtendimax label comments

Good evening George,

Please see the attached label comments for 264-RERN. Make requested changes and send back clean and highlighted copies of the label as quickly as you can. If you have any rebuttals, please include them in the body of the email response. Hope you have a pleasant weekend.

Thanks,

Lydia Crawford PhD
Biologist | Herbicide Branch | Registration Division
U.S. Environmental Protection Agency | Office of Pesticide Programs
(703) 347-0622 | Crawford.Lydia@epa.gov

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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/20/2020 12:14:33 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]
Subject: RE: Bayer 2018 Website: FW: Xtendimax label comments

Lydia, please add this file to our tracker.

From: Hathaway, Margaret
Sent: Tuesday, October 20, 2020 8:14 AM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Echeverria, Marietta (Echeverria.Marietta@epa.gov) <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Bayer 2018 Website: FW: Xtendimax label comments

Good morning RD:

Bayer has provided us the attached reference copy of the content from their "2018 Registration Version of XtendiMax Application Requirements Website."

- Meg

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, October 20, 2020 7:57 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Xtendimax label comments

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Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements



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801 Pennsylvania Avenue, NW

Suite 900
Washington, DC 20004
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E-mail: george.sabbagh@bayer.com
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Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
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Sent: Monday, October 19, 2020 8:28 AM
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Subject: RE: Xtendimax label comments

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Subject: RE: Xtendimax label comments

Understood.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements



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Sent: Friday, October 16, 2020 4:54 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: Xtendimax label comments

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From: Crawford, Lydia
Sent: Friday, October 16, 2020 4:47 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily

<Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Subject: Xtendimax label comments

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Thanks,

Lydia Crawford PhD

Biologist | Herbicide Branch | Registration Division

U.S. Environmental Protection Agency | Office of Pesticide Programs

(703) 347-0622 | Crawford.Lydia@epa.gov

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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/28/2020 12:50:53 PM
To: Biggio, Patricia [biggio.patricia@epa.gov]
Subject: RE: OPP Shout-out (bcc OPP-ALL)

Thank you!!!

From: Biggio, Patricia <biggio.patricia@epa.gov>
Sent: Tuesday, October 27, 2020 6:45 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: OPP Shout-out (bcc OPP-ALL)

Bravo, Meg!! Congrats on the shout-out and all of your hard work!

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, October 27, 2020 6:15 PM
Subject: OPP Shout-out (bcc OPP-ALL)

Today at a live event with cotton growers in Brooklet, GA, EPA Administrator Wheeler announced the approval of new registrations for two (OTT) dicamba products and an extension of the registration for an additional OTT dicamba product. All three registrations include new stringent control measures to protect the environment, including non-target plants, animals, and other crops not tolerant to dicamba. These registrations are only for use on dicamba-tolerant (DT) cotton and DT soybeans and will expire in 2025. To manage off-site movement of dicamba, EPA's 2020 registration features important control measures (<https://beta.regulations.gov/docket/EPA-HQ-OPP-2020-0492/document>). Some of these new control measures include a downwind buffer of 240 feet and 310 feet in areas where listed species are located and prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.

Congratulations to the Dicamba team listed below for a job well done!



EPA Announces 2020 Dicamba Registration Decision

Brooklet, Ga. (October 27, 2020) — At the Cromley Farm, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority [FIFRA section 24](#) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA’s 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

Dicamba Team

Immediate Office

Mike Goodis

RD:

Marietta Echeverria

Dan Rosenblatt

Dan Kenny

Emily Schmid

Meg Hathaway

Sarah Meadows

Lydia Crawford

EFED:

Jan Matuszko

Brian Anderson

Mark Corbin

Charles (Chuck) Peck

Frank Farruggia

Ed Odenkirchen

Douglas (Ethan) Harwood

Michael Wagman

Jennifer Connolly

Monica Wait

BEAD:

Kimberly Nesci

Neil Anderson
Tim Kiely
Monisha Kaul
Brad Kells
TJ Wyatt
Bill Chism
Jonathan Becker
Kelly Tindall
John Orlowski

HED:

Dana Vogel
David Miller
Sarah Dobreniecki
Erin Jones
Kelly Lowe
Peter Savoia

FEAD:

Rhina Lara
Maya Piper
Carissa Cyran
Gregory Siedschlag
Allison Dennis
Sandra O'Neill
Kaitlin Picone
Emily Ryan
Rachel Ricciardi
Loren LaPointe
Cindy Wire

ITRMD:

Sharon McBride

PTSLO:

Erin Koch
Michele Knorr
Scott Garrison

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/16/2020 9:15:59 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]
Subject: RE: Xtendimax label comments

Perfect!

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Friday, October 16, 2020 5:10 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Xtendimax label comments

I remembered in time to include it in the original message to syngenta 😊

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, October 16, 2020 5:00 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: Xtendimax label comments

Hi Lydia! Maybe I just wasn't cced on it and you've already sent it, but please send the same caveat message to Syngenta as you did for Bayer and BASF.

From: Hathaway, Margaret
Sent: Friday, October 16, 2020 4:55 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: Xtendimax label comments

Good catch, Lydia, sending this caveat to the companies.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Friday, October 16, 2020 4:54 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: Xtendimax label comments

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Best,
Lydia

From: Crawford, Lydia
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Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily

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Thanks,

Lydia Crawford PhD

Biologist | Herbicide Branch | Registration Division

U.S. Environmental Protection Agency | Office of Pesticide Programs

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Sent: 10/1/2020 2:10:01 PM
To: Wait, Monica [Wait.Monica@epa.gov]
Subject: FW: Comments re. Bayer Proposed Draft XtendiMax label
Attachments: Cover letter_264-RERN_XtendiMax-ML_20200902.pdf; MASTER LABEL_XtendiMax_264-RERN.DOCX

FYI

From: Hathaway, Margaret
Sent: Wednesday, September 30, 2020 5:23 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta (Echeverria.Marietta@epa.gov) <Echeverria.Marietta@epa.gov>
Subject: Comments re. Bayer Proposed Draft XtendiMax label

Hi Dan:

For your call with Bayer today, you asked me to look at certain sections of the Bayer draft label. (The attached Word document).

My main takeaways are that the current Bayer draft label:

- Allows for single apps. of 1lb for both cotton and soybeans.
- Does not include ESA buffer information.
- Includes a 250 (rather than 240 ft.) downwind provision, **BUT** allows for a downwind buffer 0 to 30ft if various special application technologies are used, such as hooded sprayers.
- Also under the hooded sprayer and other technology provision, the acceptable wind speed is expanded to 0-17mph or 1-17mph, depending on the technology.

I've copied relevant sections of text from Bayer's draft label below:

Section on page 13 of 17 where they allow 1lb dicamba on cotton:

COTTON WITH XTENDFLEX® TECHNOLOGY	
Application Rate	<ul style="list-style-type: none">• Using the appropriate application rate may reduce the selection for resistant weeds.• Burndown/Early Preplant, Preplant, At-Planting, Preemergence: Apply a maximum of 44 fluid ounces (1.0 lb. acid equivalent (a.e.) dicamba) per acre for a single burndown/early preplant, preplant, at-planting, or preemergence application.• Postemergence (in-crop): For any single, in-crop application, apply 22 fluid ounces (0.5 lb. a.e. dicamba) per acre.

Section on page 14 of 17 where they allow 1lb dicamba on soybeans:

SOYBEAN WITH ROUNDUP READY 2 XTEND® TECHNOLOGY OR XTENDFLEX® TECHNOLOGY	
Application Rate	<ul style="list-style-type: none">• Using the appropriate application rate may reduce the selection for resistant weeds.• Burndown/Early Preplant, Preplant, At-Planting, Preemergence: Apply a maximum of 44 fluid ounces (1.0 lb. acid equivalent (a.e.) dicamba) per acre for a single burndown/early preplant, preplant, at-planting, or preemergence application.• Postemergence (in-crop): For any single, in-crop application, apply 22 fluid ounces (0.5 lb. a.e. dicamba) per acre.

Text concerning buffer requirements:

- Page 5 of draft label re. downwind FIFRA buffer:

“Downwind Requirements:

- *Sensitive crops and certain plants downwind:* DO NOT apply if sensitive plants and/or crops, as defined below in this label, are planted on an adjacent downwind field or area when using broadcast open-boom equipment.

Downwind buffer: After determining no adjacent sensitive plants and/or crops are downwind, maintain a 250-ft downwind buffer when applying with broadcast open-boom equipment.”

- Page 8 of draft label re. downwind FIFRA buffer:

“Buffer Requirements

After determining no adjacent sensitive plants and/or sensitive crops are downwind, the applicator must always maintain a 250-foot downwind buffer between the last treated row and the nearest downwind field edge when applying using broadcast open-boom equipment. For other downwind buffer options, refer to Hooded/Shielded and Layby Sprayers section of this label.

The following areas may be included in the buffer distance calculation when directly adjacent to the treated field edges:

- Roads, paved or gravel surfaces, mowed and/or managed areas adjacent to field such as rights of way
- Planted agricultural fields containing: corn, dicamba-tolerant cotton, dicamba-tolerant soybean, sorghum, proso millet, small grains, or sugarcane. If the applicator intends to include such crops as dicamba-tolerant cotton and/or dicamba-tolerant soybeans in the buffer distance calculation, the applicator must confirm the crops are in fact dicamba-tolerant.
- Agricultural fields that have been prepared for planting
- Areas covered by the footprint of a building, silo, or other man-made structure with walls and/or roof”

- Pages 8-9: Technology exceptions for having a downwind buffer:

“Hooded/Shielded Sprayer

- *Application Requirements:* Applicators must ensure the sprayer system is off or controlled during turns to ensure spray drift does not occur to downwind sensitive plants and/or sensitive crops.
- *Wind Speed:* Applications are permitted when wind speed at boom height is between 1 MPH and 17 MPH provided no inversion is present.
- *Application Timing:* Applications of this product may occur between sunrise and sunset. Refer to the Specific Use Directions for each crop for application windows when using a hooded/shielded sprayer.
- *Nozzle Type:* The applicator must use an approved nozzle within a specified pressure range as found at www.xtendimaxapplicationrequirements.com.
- *Buffer Requirements:* The applicator must always maintain a minimum 30-foot downwind buffer between the last treated row and the nearest downwind field edge.
- *Sensitive Plants and/or Crops:* The applicator must utilize the minimum 30-foot downwind buffer between the last treated row and the nearest downwind field edge.

Hooded In-Row Sprayer:

- *Application Requirements:* Hoods must remain in contact with the soil while the herbicide application is being made. A maximum of 6 mph is required to ensure hoods remain in contact with the soil. Applicators must ensure the sprayer system is off or controlled during turns to ensure spray drift does not occur to downwind sensitive plants and/or sensitive crops.
- *Wind Speed:* Applications are permitted when wind speed at canopy is between 0 MPH and 17 MPH provided no inversion is present.
- *Application Timing:* Applications of this product may occur between sunrise and sunset. Refer to the Specific Use Directions for each crop for application windows when using a hooded in-row sprayer.
- *Nozzle Type:* The applicator must use an approved nozzle within a specified pressure range as found at www.xtendimaxapplicationrequirements.com.
- *Buffer Requirements:* No minimum downwind buffer distance.
- *Sensitive Plants and/or Crops:* No minimum downwind buffer distance.

Directed Layby Sprayer:

- *Application Requirements:* Hoods must remain in contact with the soil while the herbicide application is being made. A maximum of 6 mph is required to ensure hoods remain in contact with the soil. Applicators must ensure the sprayer system is off or controlled during turns to ensure spray drift does not occur to downwind sensitive plants and/or sensitive crops.
- *Wind Speed:* Applications are permitted when wind speed at canopy is between 0 MPH and 17 MPH provided no inversion is present.
- *Application Timing:* Applications of this product may occur between sunrise and sunset. Refer to the Specific Use Directions for each crop for application windows when using a directed layby sprayer.
- *Nozzle Type:* The applicator must use an approved nozzle within a specified pressure range as found at www.xtendimaxapplicationrequirements.com.
- *Buffer Requirements:* No minimum downwind buffer distance.
- *Sensitive Plants and/or Crops:* No minimum downwind buffer distance.

From: Tindall, Kelly <tindall.kelly@epa.gov>
Sent: Wednesday, September 23, 2020 3:41 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>
Subject: FW: Bayer Proposed Draft XtendiMax label

Kelly Tindall, Senior Biologist
Biological Analysis Branch
Biological and Economic Analysis Division
Office of Pesticide Programs
US Environmental Protection Agency
703-308-8188

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DRAFT/INTERNAL/DELIBERATIVE ONLY, NOT TO BE SHARED UNLESS SPECIFICALLY AND EXPLICITLY STATED**

From: Kaul, Monisha <Kaul.Monisha@epa.gov>
Sent: Tuesday, September 22, 2020 5:25 PM
To: Tindall, Kelly <tindall.kelly@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>
Subject: FW: Bayer Proposed Draft XtendiMax label

Per our discussion of separate labels...

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Tuesday, September 22, 2020 4:44 PM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>
Subject: FW: Bayer Proposed Draft XtendiMax label

From: Thomas Marvin <thomas.marvin@bayer.com>
Sent: Thursday, September 3, 2020 9:03 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: Bayer Proposed Draft XtendiMax label

Ed, Marietta: Just sending a courtesy copy of the submission we made yesterday.

Tom

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/16/2020 1:20:40 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: RE: Tavium Proposed Labeling

Good. I've emailed Marietta to see if expectations have shifted since yesterday, but please keep working towards emailing the registrants at the end of today.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Friday, October 16, 2020 8:36 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Tavium Proposed Labeling

That's my understanding too!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, October 16, 2020 8:34 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Tavium Proposed Labeling

I also saw no Phase 2 announcement recently. As for the labels, the overall goal is still to send something to the registrants by the end of today. I felt things were left squishier on our internal review process prior to that, but that Marietta at least wanted to see the labels by midday. Lydia, did you understand things differently? I can check with Marietta if needed too.

- Meg

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, October 16, 2020 7:06 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Tavium Proposed Labeling

I signed on to see if they extended Phase II (didn't see anything about it, did I miss something?) and saw an email from Lydia so I figured I should get that one done. She said that we need to get it to OGC, Dan R. and Marietta by noon and the companies by the end of the day. Did that change to DDs by noon?

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, October 15, 2020 11:20 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Tavium Proposed Labeling

Thanks Emily! I'm guessing that you already heard the DD's are trying to get a look at these by noon tomorrow?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Thursday, October 15, 2020 10:01 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Tavium Proposed Labeling

Hi Lydia,

I added my comments to the Tavium label. I'll get to the XtendiMax one in the morning and then we can go over all three before sending them to Dan R, Marietta, and OGC. A few of my comments from the metolachlor PID I think they need a closer look.

Thanks,
Emily

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Wednesday, October 14, 2020 2:30 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Tavium Proposed Labeling

Tavium review is attached and uploaded under old drafts on MS Teams

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, October 14, 2020 8:42 AM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Tavium Proposed Labeling

Great. Thank you, Lydia.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Wednesday, October 14, 2020 8:40 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Tavium Proposed Labeling

That's correct. I'm looking at it this morning.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 14, 2020 6:08 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: Tavium Proposed Labeling

That's right, Dan.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, October 13, 2020 7:45 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: Tavium Proposed Labeling

Unless I got things mixed up, Lydia and Emily are taking the lead on the labeling. Correct me if I'm wrong, though.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, October 13, 2020 7:31 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Tavium Proposed Labeling

Thanks Sarah for posting the latest Tavium label!

Do we have a relay order planned for who is reviewing this label? I didn't see traffic on it today like we did for Engenia's label. Prioritizing review of Engenia and Xtendimax is likely good, though, as BASF and Bayer are the companies most actively negotiating with EPA.

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Tuesday, October 13, 2020 9:48 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Tavium Proposed Labeling

Here is the link for the Tavium label edits file:

<https://teams.microsoft.com/#/files/Reference%20Documents?threadId=19%3A0a4673edc23747008254dd26a40aedef1%40thread.skype&ctx=channel&context=Syngenta&rootfolder=%252Fsites%252FDicambaPost-LitigationOutreach%252FShared%2520Documents%252FReference%2520Documents%252FLabels%2520-%2520OTT%2520Dicamba%2520Products%252F2020%2520Labels%252FSyngenta>

From: Dixon Monty USGR <monty.dixon@syngenta.com>
Sent: Tuesday, October 13, 2020 9:43 AM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Tavium Proposed Labeling

Hi Sarah,

Please find the requested clean version of the pending Tavium label. This is the same version as submitted on 9/28...no additional changes. We look forward to any future discussions that may be needed in working to finalizing the label.

With Best Regards,

Monty

From: Meadows, Sarah <Meadows.Sarah@epa.gov>

Sent: Tuesday, October 13, 2020 9:30 AM

To: Dixon Monty USGR <monty.dixon@syngenta.com>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: Tavium Proposed Labeling

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Monty. Please send us a clean copy of your most up-to-date proposed Tavium label. I know there may be some things to still discuss and finalize, but we'd like to have a fresh copy to review ASAP.

Thanks,

Sarah

Sarah True Meadows, PhD
US Environmental Protection Agency
Office of Pesticide Programs
Registration Division – Herbicide Branch
(703) 347-0505
meadows.sarah@epa.gov

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Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 10/14/2020 10:10:09 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: BLT

Nice work, Lydia!

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, October 14, 2020 5:22 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Thanks, that was fast. We will let you know if we have any questions and we can discuss next steps at our meeting next week

mark

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Wednesday, October 14, 2020 5:17 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Hi Mark,
Attached is the updated file.
Best,
Lydia

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, October 14, 2020 4:08 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: BLT

Yes. One tab for each of the products that will be registered this month. Xtendimax, Engenia and Tavium

Sounds like from Dan Fexapan will come in later

mark

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Wednesday, October 14, 2020 4:06 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: BLT

Hey Mark,

That sounds good. To be clear, is the excel file you sent the old, 2018 information that now needs to be updated with the current 2020 info for registration and ESA?

Best,
Lydia

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, October 14, 2020 3:40 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Thanks Meg

Lydia, I will find a few minutes early next week for you to meet with our folks who manage the Bulletins Live Two (BLT) system where restrictions specific to Endangered Species are managed. We can walk through what we need from RD in the short term and then how to engage with registrants before the BLT system gets updated

mark

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, October 14, 2020 3:33 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Thanks Mark – Lydia Crawford will be the RD contact for this task.

- Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, October 14, 2020 7:49 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Meg

Two things need to happen. First, we need assistance from RD to get the metadata file I sent earlier updated. I have re-attached the previous document here. This is the document that EISB uses (I've cc'd Lee and Stephen from EISB) to update the BLT restrictions into the web-based service. The sooner we can get this populated the sooner we can start working with the BLT contractor get the updates queued up. (as a note we would need a new tab for Tavium).

The second thing is that last time we gave the registrants a preview of our BLT updates. Lee can correct me but I believe this entailed emailing them a series of files which included a powerpoint showing what restrictions will look like in the system, the metadata, and a geo-database of the updates.

Once that is done and the registration is granted I believe we typically get 15 days to get the updates into the BLT system. At least that is how that worked last time.

I don't think we need a discussion of this with the full team across all divisions but RD and EFED should discuss this.

Mark

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, October 13, 2020 7:07 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>
Subject: RE: BLT

Hello Mark:

Sorry that this topic did not make it onto the dicamba team meeting agenda for today. Are there specific questions you would like me to ask the team/other divisions via email? What do you see as the next step in handling this aspect of the dicamba project?

- Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Friday, October 09, 2020 1:35 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>
Subject: BLT

Meg

Can we have a discussion with the team on Tuesday at the 1 pm meeting to talk about getting the BLT system previewed by the registrants and then ready for posting the BLT on the web?

thanks

Mark Corbin
Branch Chief, Environmental Risk Branch 6
Environmental Fate and Effects Division (7507P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Washington DC 20460
703-605-0033

Message

From: Hathaway, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=904BA6BDE9364F13A5ACC32C01DF7425-HATHAWAY, MARGARET]
Sent: 8/31/2020 3:53:00 PM
To: Knorr, Michele [Knorr.Michele@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: dicamba registrant meetings - summary

Thanks Michele! There's still a lot to do but that nod of flexibility from the registrants is encouraging.

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Friday, August 28, 2020 10:02 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: dicamba registrant meetings - summary

Great news on the Bayer separate registration – you guys rock!

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Friday, August 28, 2020 9:50 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: dicamba registrant meetings - summary

Ed and Mike,

Here are the meeting summaries from this week. Also attached is the running list of meeting summaries. As part of our strategy for engaging registrants, we said we would keep Alex and Carrie informed of progress. Please share as appropriate. Going forward we will make share that Carrie (in addition to Derrick) is invited to all registrant meetings.

Of particular note this week – Bayer agreed to only having the OTT uses on this proposed registration. BASF said they would also consider this but wanted to discuss internally and may have counsel reach out the Michele and/or Scott.

Please let us know if you have questions or need additional information.

8/26 EPA-BASF-Syngenta Technical Issues Meeting on Dicamba: On August 26, 2020, OPP staff led by EFED held a MS Teams meeting with representatives from BASF and Syngenta regarding various technical issues relating to OPP's 2020 assessment of dicamba. BASF is proposing to reinstate the now-vacated formulation known as Engenia, which

would allow over-the-top (OTT) uses of tolerant cotton and soybeans. Syngenta is proposing a renewal of their dicamba product, Tavium, for which the registration is currently set to expire in December 2020. Prior to the meeting, EPA provided BASF and Syngenta with a list of questions for discussion. As was the case with the Bayer technical issues meeting on 8/19/20, topics discussed included EPA's analysis of data on near-field effects, run-off, and wide-area effects. All parties committed to further conversation on technical issues next week and remain open to holding joint meetings with multiple registrant companies.

8/27 EPA-BASF-Syngenta Label Mitigation Meeting on Dicamba: On August 27, 2020, OPP staff led by RD held a MS Teams meeting with BASF and Syngenta to discuss mitigation proposals relating to OPP's 2020 assessment of dicamba. Conversation centered on BASF's August 24, 2020 letter to the Agency outlining BASF's mitigation proposal for the registration of a new Engenia product. BASF confirmed that it agreed to discussing their mitigation proposal in the presence of Syngenta, with the exception of data concerning a propriety pH buffering agent. The four proposals discussed were to (1) require a downwind buffer distance of 220 feet [an increase from the 110 ft buffer on the vacated 2018 labelling], (2) require the use of a pH buffering agent in all tank mixes, (3) require a calendar-day cutoff date as a replacement for plant growth stage-based restrictions included on the vacated 2018 Engenia label, and (4) organize the label for greater clarity. For a calendar cutoff date, BASF suggests using the single cutoff date of June 30th in all states where their product would be registered. The group discussed how a calendar date cutoff could be effective in allowing dicamba OTT use while eliminating incidents from late-season applications. BASF also noted that compared to growth-stage restrictions, a calendar-date cutoff would help reduce label complexity, and be more easily enforceable for state authorities. Syngenta indicated that it supported BASF's mitigation proposals. EPA asked registrants about their thoughts on split labelling as a strategy for provide greater clarity for growers. BASF said they were open to the idea but would need to discuss internally. BASF also agreed to have legal counsel reach out to EPA/OGC (Michele Knorr/Scott Garrison) to discuss legal considerations for splitting the label, All parties agreed to further conversation next week.

8/27 EPA-Bayer Label Mitigation Meeting on Dicamba: On August 27, 2020, OPP staff led by RD held a MS Teams meeting with Bayer to further discuss Bayer's mitigation proposal for dicamba OTT uses being considered in 2020. The conversation was divided into two main categories: (1) further explanation by Bayer of the mitigation proposed in their July 27th white paper, and (2) Bayer's introduction of a new mitigation proposal to request the registration only of dicamba over-the-top uses on cotton and soybean. The vacated 2018 label for XtendiMax also contained non-OTT uses. By proposing a label that contains only OTT uses, Bayer estimates that a 2020 label for XtendiMax could be as much as 75% shorter, which could increase label clarity for growers compared to the vacated 2018 label. During discussion of Bayer's July 27th mitigation proposals, EPA indicated that it was still evaluating data submissions relating to Bayer's proposal to require tank mixing with a pH buffering product intended to reduce volatility. EPA also reiterated concerns about the efficacy of Bayer's proposal to use a growth-stage cutoff for soybeans to reduce off-site movement of dicamba. Finally, Bayer confirmed its continued interest in meeting with EPA, but said they cannot agree, at this time, to participate in joint meetings with other dicamba registrants.

Later in the day following the meeting, Bayer submitted an additional study (hooded sprayer data) and five analytical reports for previously submitted humidone studies.

Regards,
Marietta

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-305-8578